

MAXIMUM FREIGHT RATES

Newberry Bill Finally Finds Its Way Into the Federal Court.

VALIDITY OF THE LAW IN QUESTION

Judges Brewer and Dundy Hearing Arguments in the Action Brought to Enforce the Provisions of the Maximum Rate Law—Other Cases.

When Justice Brewer and Judge Dundy ascended the bench in the federal court yesterday they were greeted by a large number of attorneys, who had been attracted there by the fact that the maximum freight rate case was to be taken up from the calendar for a joint hearing.

John L. Webster appearing as special counsel in behalf of the State Board of Transportation and the Union Pacific road, which has been made a party to the defense, and Attorney General Hastings and W. A. Dilworth appeared for the state. Attorneys Woolworth, Marquet and Hawley appeared for the complaining railroads. The case is based on the attempted enforcement of the freight rate bill known as the Newberry bill, which was passed by the state legislature and approved on April 12, 1893, with the following title:

"An act to regulate railroads, to classify freights, to fix reasonable minimum rates to be charged for the transportation of freight upon each of the railroads in the state of Nebraska, and to provide penalties for the violation of this act." The railroads secured an injunction against the defendants, who were trying to enforce the act.

The bills in the above named cases pray that the law referred to be adjudged unconstitutional and void, and that the state board of transportation be enjoined from enforcing its provisions. The bills of complaint charge that the bill was not read at large on three different days in either the house or the senate, but so as to practically place the bill in the hands of the general assembly in evidence to prove its constitutionality. The plaintiffs pray that the bill be declared unconstitutional and void, and that the state board of transportation be enjoined from enforcing its provisions.

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It is alleged that the local rates now in force in Nebraska, which are added to all shipments coming into the state, are about 40 per cent higher than the local rates in Kansas, Minnesota and Dakota; hence, even on interstate shipments the Nebraska consignee pays a higher rate than do consignees in these other states. To equalize the local rates in Nebraska must be reduced as provided in the maximum freight rate law, so as to conform to such as in Kansas, Minnesota and Dakota; hence, even on interstate shipments the Nebraska consignee pays a higher rate than do consignees in these other states.

All points in eastern Nebraska, such as Blair, Fremont, Lincoln and Beatrice have the benefit of all through rates from the east to Omaha or to the Missouri river, with a small additional rate to the local rates beyond the cities named pay the full local rates from the Missouri river. This is a discrimination in favor of Fremont, Blair, Lincoln and Beatrice over all the rest of the state.

It is also claimed that if the railroads can haul freight from the Missouri river, fifty miles, to Lincoln at the same low rate, called differential, at a profit, they can haul with equal profit from the Missouri river an equal distance west from Lincoln at the same low rate, and so on to all points west throughout the state at the same ratio of rate. It is admitted that this differential rate is much lower than the local rates established in the law in question.

The defense claims that there is no principle of law involved in this case worthy of serious discussion and refers to Justice Bradley's decision in a Minnesota case, in which he says: "It is stated that all charges must be reasonable and that none but reasonable charges can be exacted; and what is a reasonable charge is a judicial question."

The discrimination in rates exercised by the railroads in favor of certain points and monopolies resulted in the passage of this bill, but it has remained inactive because of an injunction.

The defense now alleges that by reason of the injunction granted in this case the railroad companies have already suspended for one year the operation of this law, to the detriment of the people. They now want to call a halt and let the law be tested by actual operation.

It is further alleged that if the law had been into operation at the time this suit was brought and had remained in operation from that time to the present, such operation would have bred such facts and would have such results as would have enabled the railway companies and the people and the courts to judge advisedly whether it was a wise or an unwise law.

As it has been the railway companies have remained the masters of the situation and the people are standing as supplicants asking for a speedy enforcement of the law. The arguments in the case may occupy the time of the court for the remainder of the week and some interesting points will no doubt require a ruling from the judges.

Judge Woolworth took up all of the day yesterday stating the plaintiffs' side of the case and presenting the evidence taken by the master in chambers. Today John L. Webster will probably begin the defensive argument. So far but few points have been raised and neither Justice Brewer nor Judge Dundy has had to make a ruling.

HIS WIFE'S AFFECTIONS.

William Saylor Brings Action Against the Destroyers of His Home. William H. Saylor has commenced action in the federal court to recover \$10,000 from William and Vera Kent, residents of Richardson county, for alienating the affections of Saylor's wife.

The defendants are the parents of Mrs. Saylor, and Mr. Saylor alleges that they have so poisoned her mind against him that she is now seeking a divorce. He also alleges in his petition that on the 1st of February of this year Mrs. Kent came to his home in Kansas and persuaded his wife and two little children to accompany her home, and has since kept them there, refusing to allow him to visit them. He says that their actions have destroyed his home, ruined his business and that for purposes in life to the extent of \$10,000, which he prays the court to award him.

Selling Beer Without a License. Frank and Peter Swovoda, James Vorbill and Joseph Sherka were arraigned before Commissioner Dundy yesterday on the charge of selling beer without a government license. It seems that these men are residents of Saunders county, and a few days ago a picnic was held there. The men went out to the picnic with several kegs of beer, which they sold without the necessary permission of Uncle Samuel. The men pleaded ignorance of the law, and were bound over to await the action of the grand jury.

Bilious Colic. Those who are subject to attacks of this disease will be interested in the experience of Mrs. F. Butler of 22 Williams street, Fairhaven, Conn. She says: "I suffered for weeks with colic and pains in my stomach, caused by biliousness. One-half teaspoonful of Chamberlain's Colic, Cholera and Diarrhoea remedy effected a cure. For sale by all druggists."

Best \$3.00 cabinet photos in the city. Heyn's, 313 So. 15th st. The best attraction yet, tonight at Court and beach. Take your friends. \$15.00 to Pueblo and return via the Union Pacific June 11, 12, 23 and 24. City office 1302 Farnam street.

HAIDEN'S THURSDAY SALES

Silk Sales Again—Also Big Cool Clothing Sale.

SPLENDID COAT AND VEST FOR \$1.50

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THURSDAY AFTERNOON PRICES FROM 1 TO 5 P. M. Cheney Bros' black India silk, 30 inches wide, 50c yard. Cheney Bros' printed silks, actually worth \$1.00, 40c yard. Yard wide white wash silk only 50c yard. Striped pongee silks only 15c yard. Our \$1.25 quality colored silk velvets 75c yard. All of our \$1.25 black dress silks go at 75c yard. We have cut down deeply in prices. But no samples out of these goods during sale hours.

DRESS GOODS. All wool challis 12c. REMNANT OF 40, 42, 44 inches dress goods sold up to \$1.50 yard. 25c a yard Thursday. CLOSING OUT An elegant line of silk blouses at 15c, 18c, 25c and 35c. A beautiful line of laces, 5c to 7c. A fine line of window ties at 12 1/2c. The best line of hammocks in the city at 40c, 41 1/2c and 47 1/2c. A nice line of fancy mirrors at 9c. A nice line of fancy mats and splashers at 9c.

THIN CLOTHING. Hayden Bros. call attention to an unsurpassed stock of cool and comfortable summer clothing, and to the exceptionally low prices. Lower by far than at any other place in the city. Men's alpaca coats, good ones at that, only 95c. Men's fine all wool light weight unlined coats and vests, \$1.50, \$1.75, \$2.50 and \$3.00. 160 light colored coats and vests, in small sizes, 50c. Boys' and children's suits at less than cost. Knee pants at half price.

HAIDEN BROS. Low price people. COUPON SHOE SALE. The greatest shoe sale of the season begins tomorrow. A box of fine tan dressing gowns with every pair of tan shoes, and coupons with every purchase. Ladies' serge house slippers, 35c, worth 50c. Ladies' tan goat oxford ties, 95c, worth \$1.50. Ladies' fine tan and black oxford ties, \$1.50, worth \$2.00. Ladies' fine hand turned Blucherett oxfords, \$1.75, worth \$2.25. Ladies' fine hand turned Prince Alberts, \$2.50, worth \$3.50. Ladies' French kid, Brooks Bros' make shoes, \$3.75, worth \$5.00. Misses' fine tan button shoes, \$1.75, worth \$2.25. Misses' fine tan strap slippers, \$1.50, worth \$2.00. Children's fine tan button shoes, \$1.45, worth \$2.00. Children's fine tan oxford ties, 95c, worth \$1.25. Infants' patent leather shoes, 35c, worth 65c. Boys' tan lace oxford ties, \$1.25, worth \$2.00. Youths' tan lace oxford ties, \$1.00, worth \$1.50. Men's fine satin oil shoes, \$1.48, worth \$2.50. Men's light cordovan shoes, \$2.40, worth \$3.50. A box of fine tan dressing given free with every pair of tan shoes. Coupons with every purchase.

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Work of a Thief at Laramie. LARAMIE, Wyo., June 13.—(Special to the Bee.)—A thief entered the office of the Laramie electric light works yesterday afternoon while the bookkeeper was out and took \$105 which was in the safe. The outer doors of the safe were unlocked and the light doors on the inside were pried open with a chisel.

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Local Record. OFFICE OF THE WEATHER BUREAU, OMAHA, June 13.—Omaha record of temperature and rainfall compared with corresponding day of past four years: 1894, 1895, 1896, 1897, 1898. Maximum temperature 90, 85, 85, 85, 85. Minimum temperature 70, 69, 74, 69, 69. Average temperature, 80, 79, 74, 75, 75. Precipitation, .00, .00, .85, .00, .00. Statement showing the condition of temperature and precipitation at Omaha for the day and since March 1, 1894: Normal temperature, 71.0. Excess or deficit for day, .00. Excess since March 1, .00. Normal precipitation, .19 inch. Deficiency for day, .19 inch. Deficiency since March 1, .68 inches.

Reports from Other Stations at 8 P. M. STATIONS. Temperature. Max. Min. Prevailing. Wind. State of sky. Omaha, 83, 60, 60, Clear. North Platte, 84, 59, 59, Part cloudy. Valentine, 80, 60, 60, Clear. Chicago, 80, 60, 60, Clear. St. Louis, 88, 62, 62, Clear. St. Paul, 88, 62, 62, Clear. Davonport, 80, 60, 60, Part cloudy. Kansas City, 84, 68, 68, Clear. Denver, 80, 60, 60, Part cloudy. Salt Lake City, 60, 67, 67, Clear. Rapid City, 72, 52, 52, Clear. Helena, 48, 32, 32, Part cloudy. Great Falls, 48, 32, 32, Part cloudy. St. Vincent, 78, 64, 64, Part cloudy. Cheyenne, 74, 62, 62, Part cloudy. Fort Collins, 72, 60, 60, Clear. Galveston, 72, 60, 60, Part cloudy.

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WEATHER FORECAST. Fair and Probably Cooler in Western Nebraska. WASHINGTON, June 13.—The indications for Thursday are: For Nebraska—Fair; probably slightly cooler in western portion; south winds, becoming westerly. For South Dakota—Showers; probably slightly cooler in the eastern portion; variable winds. For Iowa—Generally fair; southeast winds. For Kansas—Fair; variable winds. For Nebraska—Fair; south winds.

Local Record. OFFICE OF THE WEATHER BUREAU, OMAHA, June 13.—Omaha record of temperature and rainfall compared with corresponding day of past four years: 1894, 1895, 1896, 1897, 1898. Maximum temperature 90, 85, 85, 85, 85. Minimum temperature 70, 69, 74, 69, 69. Average temperature, 80, 79, 74, 75, 75. Precipitation, .00, .00, .85, .00, .00. Statement showing the condition of temperature and precipitation at Omaha for the day and since March 1, 1894: Normal temperature, 71.0. Excess or deficit for day, .00. Excess since March 1, .00. Normal precipitation, .19 inch. Deficiency for day, .19 inch. Deficiency since March 1, .68 inches.

Reports from Other Stations at 8 P. M. STATIONS. Temperature. Max. Min. Prevailing. Wind. State of sky. Omaha, 83, 60, 60, Clear. North Platte, 84, 59, 59, Part cloudy. Valentine, 80, 60, 60, Clear. Chicago, 80, 60, 60, Clear. St. Louis, 88, 62, 62, Clear. St. Paul, 88, 62, 62, Clear. Davonport, 80, 60, 60, Part cloudy. Kansas City, 84, 68, 68, Clear. Denver, 80, 60, 60, Part cloudy. Salt Lake City, 60, 67, 67, Clear. Rapid City, 72, 52, 52, Clear. Helena, 48, 32, 32, Part cloudy. Great Falls, 48, 32, 32, Part cloudy. St. Vincent, 78, 64, 64, Part cloudy. Cheyenne, 74, 62, 62, Part cloudy. Fort Collins, 72, 60, 60, Clear. Galveston, 72, 60, 60, Part cloudy.

A New Kind of Insurance. For 25 cents you can insure yourself and family against any bad results from an attack of bowel complaint during the summer. One or two doses of Chamberlain's Colic, Cholera and Diarrhoea remedy will cure any ordinary case. It never fails, and is pleasant and safe to take. No one can afford to be without it. For sale at 25 cents per bottle, by all druggists.